

1
2
3
4
5
6 JEAN MACDONALD, et al.,
7 Plaintiffs,
8 v.
9 FORD MOTOR COMPANY,
10 Defendant.

11 Case No. 13-cv-02988-JST

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 **ORDER REGARDING BILLING
RECORDS; ORDER TO SHOW CAUSE;
ORDER CONTINUING HEARING**

Currently before the Court is Plaintiffs' Motion for Attorneys' Fees. ECF No. 93. This order addresses Plaintiffs' billing records and amended reply brief.

Billing Records: It is difficult for the Court to determine whether the hours claimed by Plaintiffs' counsel are reasonable, because of the volume and organization of the billing records (1,507 chronologically listed billing entries). See ECF No. 94-2, Zohdy Decl., Ex. 2. To simplify the Court's review, counsel for Plaintiffs are ordered to file a chart that groups the billing entries by task and shows the subtotal for each attorney or paralegal's hours for each task, as well as an overall hours and dollar total for each attorney or paralegal. The chart must be filed by February 22, 2016.

Amended Reply Brief: Plaintiffs originally filed their reply brief on February 5, 2016. ECF No. 100. The brief was 26 pages in length, in violation of Civil Local Rule 7-4(b), which limits reply briefs to 15 pages without leave of court. On February 10, 2016, Plaintiffs filed an amended reply brief, which they represented "contain[ed] no substantive changes from the prior-filed Reply [but] that complies with the 15-page limit." ECF No. 101 at 6 n.1.

The amended reply brief appears not to conform to the local rules in other important ways,

1 however.¹ Civil Local Rule 3-4(c)(2) provides, with respect to papers presented for filing:

2 Text must appear on one side only and must be double-spaced with
3 no more than 28 lines per page, except for the identification of
4 counsel, title of the case, footnotes and quotations. Typewritten text
5 may be no less than standard pica or 12-point type in the Courier
6 font or equivalent, spaced 10 characters per horizontal inch. Printed
text may be proportionally spaced, provided the type may not be
smaller than 12-point standard font (e.g., Times New Roman). The
text of footnotes and quotations must also conform to these font
requirements.

7 Plaintiffs' amended reply brief contains body text in 12-point Times New Roman font but uses
8 non-standard character spacing. It appears Plaintiffs condensed the character spacing uniformly
9 by 0.6 points. It also appears Plaintiffs condensed the footnote line spacing from a single-spaced
10 line to a multiple of 0.73. The result is that Plaintiffs' reply brief fits substantially more than 15
11 pages' worth of text into 15 printed pages. Had Plaintiffs used the normal and customary spacing
12 required by the local rules, the brief would have been much longer.²

13 Civil Local Rule 7-4(b) provides: "Unless the Court expressly orders otherwise pursuant
14 to a party's request made prior to the due date, briefs or memoranda filed with opposition papers
15 may not exceed 25 pages of text and the reply brief or memorandum may not exceed 15 pages of
16 text." Plaintiffs did not make such a request. Consequently, Plaintiffs' reply brief exceeds the
17 page limits set out by Local Rule 7-4(b) without the Court's authorization. The net effect of this
18 is that Plaintiffs are attempting unfairly to require the Court and their opponents to read, digest,
19 and respond to an overlength brief.

20 The Court now orders Plaintiffs to take one of the following actions by February 22, 2016:

21 1. File a response to this order demonstrating that Plaintiffs' reply brief complies
22 with the Local Rules; or

23 2. File an amended brief that complies with the Local Rules, which amendments shall
24 consist solely of the use of proper character spacing and the elimination of sufficient text from the
25 original responses to bring the responses within the appropriate page limit, clearly indicating in a

26 _____
27 ¹ It was also late, the reply brief having been due on February 5, 2016. ECF No. 98.
28 ² For example, the passage on page 1 (ECF page 6), lines 1-15, would be four lines longer if were
spaced correctly.

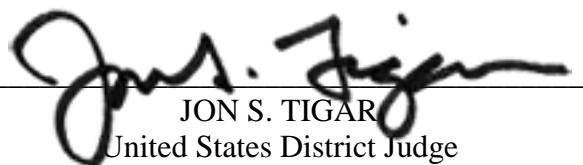
1 separate, marked-up document which text has been eliminated; or

2 3. File a response SHOWING CAUSE why Plaintiffs' reply should not be stricken.

3 The hearing on the motion is continued from February 25, 2016 to March 10, 2016.

4 IT IS SO ORDERED.

5 Dated: February 16, 2016

6 
7 JON S. TIGAR
8 United States District Judge

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California